

Environmental Results Program: Linking Compliance Assistance, Self-Certification and Performance Measures

Presented by

Satish Kastury, Director, RCRA Enforcement and Compliance, Florida Department of Environmental Protection
Wayne Gregory, Director, Division of Underground Storage Tanks, Tennessee Dept. of Environment and Conservation
Patricia Mott, Senior Policy Advisor, Office of Policy, Planning Analysis and Communications, U.S. Environmental Protection Agency
Scott Bowles, Program Analyst, Office of Policy, Economics and Innovation, U.S. Environmental Protection Agency

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*Office of Policy,
Economics & Innovation*



Partnerships

The Office of Enforcement & Compliance Assurance (OECA) and the Office of Policy Economics & Innovation (OPEI) are working together with other EPA offices and states to transfer this successful program developed by the State of Massachusetts to other sectors and states.



Speakers

- Patricia Mott, Senior Policy Advisor, Office of Planning, Policy Analysis & Communication, Office of Enforcement & Compliance Assurance (OECA)
- Scott Bowles, Program Analyst, Office of Environmental Policy Innovation, Office of Policy, Economics & Innovation (OPEI)



What is ERP?

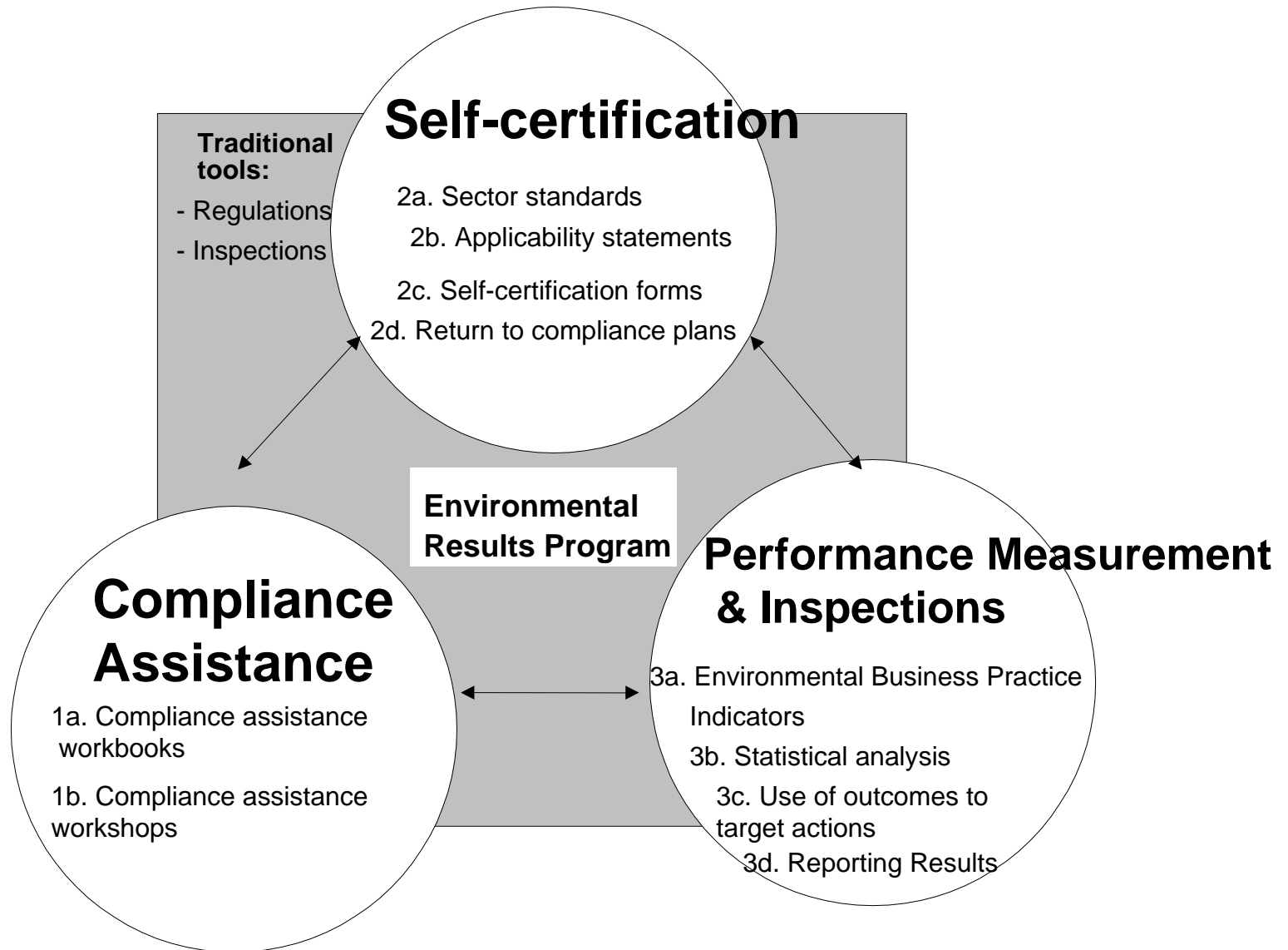
- A self-certification program consisting of a set of three linked tools:
 - compliance assistance,
 - inspection and performance measurement,
 - and an annual certification of compliance signed by a senior company official.
- ERP was developed by the Massachusetts Department of Environmental Protection which has applied the program to various sectors since 1997.



Why ERP?

- How do you effectively and efficiently achieve compliance by large groups of facilities that are smaller sources with limited resources?
- How do you know that your compliance assurance efforts (permits, inspections, compliance assistance, enforcement, etc.) are yielding environmental performance improvements?
- How do you account for the environmental impact of diverse numbers of small sources?

ERP LINKS





Compliance Assistance

- *Workbooks*: in close collaboration with trade groups and other stakeholders, MA DEP developed workbooks that clearly explain all of a facility's environmental obligations from a multi-media perspective. They also include suggestions to prevent pollution and worker health and safety requirements.
- *Workshops*: as part of its ERP kick-off, MA DEP sponsored seminars for facility managers to go over ERP compliance assistance materials.



Self-certification

- Annual certification by a facility owner or manager
- Return to Compliance Plan: If a facility is not in compliance, facility owners or managers must complete a Return to Compliance Plan.
- The regulatory agency can target non-submitters with inspections or enforcement or assess criminal penalties against false certifiers.



Performance Measurement

- First, you inspect a statistically significant set of randomly selected facilities – “the baseline.”
- Then, in subsequent years, you inspect a different set of randomly selected facilities, so that you can compare performance and draw conclusions on whether performance improved or where the problems might be



ERP is “information rich”

- Two sources provide the regulatory agency with data on the facilities in a sector:
 - checklists developed for each sector that are filled out by inspectors during random inspections and
 - the facility self-certification forms.
- In addition to inspector checklists for each sector, MA DEP also developed special indicator measurements for each sector.



Environmental Business Practice Indicators

- EBPIs are industry-specific performance measures that provide a 'snapshot' of facilities' environmental performance before and after certification.
- They provide a way to track facility and sector performance over time.



Using the data:

- To target resources
- To examine results from different perspectives
 - such as by individual facility, by overall performance for a sector, or by performance on key environmental practices
- To 'grade' each facility or the sector and then strategically target compliance inspections and assistance efforts.



'Results' of the 'Results' Program

- Preliminary data indicate that each of the sectors participating in MA shows improved overall environmental performance and compliance with selected measures increased significantly.
 - For example, in 1997 only 33 percent of dry cleaners were performing routine leak checks, but this increased to 66 percent in 2000.



Quantifying Results

- ERP allows the regulatory agency to quantify and address the cumulative impact of smaller, diffuse sources.
- MA found that the printing sector as a whole is equivalent to approx. 12 major sources of VOCs.



ERP Transfer to Other States and Sectors

- 7 states and the District of Columbia are in various stages of developing ERP
- Massachusetts continues to develop ERPs and to refine its current programs
- Sectors include underground storage tanks, auto repair and auto body repair, dry cleaning, photo-processing, printing, and auto salvage.



What other states are doing

- Delaware: Auto body repair
- District of Columbia: Auto repair
- Florida: Auto repair and Auto salvage (partial ERP)
- Georgia: Exploring a potential underground storage tanks ERP
- Maryland: Auto repair
- Massachusetts:
 - Boilers
 - Dry cleaning
 - Photoprocessing
 - Printing
- Rhode Island: Auto body repair and exploring underground storage tanks
- Tennessee: Underground storage tanks



ERP information on the web

- Mass. Dept. of Environmental Protection
Website: www.state.ma.us/dep/erp
- RI Dept. of Environmental Management
Website:
<http://www.state.ri.us/DEM/programs/benviron/assist/abdycert/abdycert.htm>
- U.S. EPA Website: www.epa.gov/permits



EPA Contacts

- Patricia Mott, OECA, U.S. EPA at 202-564-5133 (mott.patricia@epa.gov)
- Scott Bowles, OPEI, U.S. EPA at 202-566-2208 (bowles.scott@epa.gov)

TENNESSEE'S UNDERGROUND STORAGE TANK PROGRAM

- **6,000 REGULATED LOCATIONS**
- **1,200 ON-SITE INSPECTIONS CAPACITY/YR.**
- **SERIOUS BUDGET ISSUES**
- **POOR GENERAL UNDERSTANDING OF
REGULATORY REQUIREMENTS BY TANK
OWNERS AND OPERATORS**

TENNESSEE'S UNDERGROUND STORAGE TANK PROGRAM (CONT.)

- **INCREASING COST OF CLEAN-UP WITH
A SHRINKING FUND BALANCE**
- **FUTURE FEDERAL LEGISLATION
PENDING**
- **PRESSURE FROM STATE LEGISLATURE
TO SHOW MEASURABLE PROGRAM
RESULTS**

SOLUTIONS

- **REDUCE THE NUMBER AND EXTENT OF NEW PETROLEUM RELEASES**
- **GET MORE RESULTS FROM OUR EXISTING RESOURCES**
- **SUBSTANTIATE THE RESULTS OF OUR EFFORTS TO LAW MAKERS WITH STATISTICAL DATA**

SOLUTIONS

(CONT.)

- **FIND A BETTER WAY TO EDUCATE TANK OWNERS AND TANK OPERATORS**
- **MAKE THE TANK OWNER AND TANK OPERATOR MORE ACCOUNTABLE FOR COMPLIANCE**
- **BETTER UNDERSTAND AND IMPROVE THE RELATIONSHIP BETWEEN TANK OWNERS AND OPERATORS**

ERP PROVIDES THE TOOLS TO:

- **BETTER UTILIZE EXISTING RESOURCES**

- **RANDOM INSPECTIONS**

- **TARGETED INSPECTION**

- **EDUCATES THE REGULATED COMMUNITY**

- **WORKBOOKS**

- **WORKSHOPS**

- **ENABLE REGULATORY PROGRAMS TO MEASURE STATISTICALLY VALID RESULTS**

- **EBPI'S**

- **COMPLIANCE RATES**

ERP PROVIDES THE TOOLS TO:

(CONT.)

■ FOCUS ON PROBLEM FACILITIES

- RETURN TO COMPLIANCE PLANS**
- RED FLAGS**

■ HELP REGULATORY PROGRAMS DISCOVER WEAKNESSES IN THEIR REGULATIONS OR PROCESSES

- PROVING OR DISPROVING ASSUMPTIONS WITH STATISTICAL ANALYSIS**
- DEFINING BETTER OWNER AND OPERATOR RELATIONSHIPS**

CHALLENGES AHEAD

- **DETERMINING STATISTICALLY SOUND QUESTIONS TO USE IN ANALYSIS**
- **HOW TO HANDLE THE LARGE AMOUNT OF DATA THAT WILL BE SUBMITTED**
- **DETERMINING OWNER/OPERATOR RELATIONSHIPS**
- **FINDING FUNDING TO IMPLEMENT PROGRAM**
- **CONVINCING CONCERNED PARTIES THAT THIS IS A NECESSARY CHANGE**